

REMARKS

Claims 1-43 are pending in this application. By this Amendment, claim 1 is amended to further define the presently claimed subject matter. No new matter is added by this Amendment.

I. Interview

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Dentz in the February 24, 2009 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

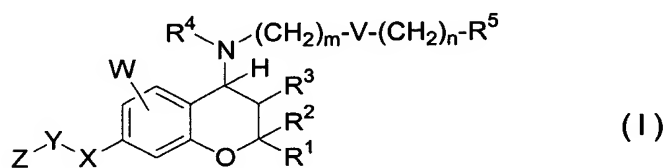
II. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 12-31 and 34-43 contain allowable subject matter. Furthermore, Applicants thank the Examiner for the indication that claims 4 and 7 would be allowable if the claim objection is overcome. Because the objection is overcome for the reasons described below, claims 4 and 7 are in condition for allowance.

III. Rejection Under 35 U.S.C. §§102(b)/103(a)

Claims 1-3, 5, 6, 8-11, 32 and 33 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by, and under 35 U.S.C. §103(a) as allegedly being unpatentable over, U.S. Patent No. 6,066,631 ("Tanikawa").

As acknowledged by Examiner Dentz in the interview, Tanikawa does not describe each of the limitations recited in claim 1. Specifically, Tanikawa does not describe at least a benzopyran compound of formula (I)



or a pharmaceutically acceptable salt thereof, wherein X is NR⁶, wherein R⁶ is hydrogen atom or C₁₋₄ alkyl group; Y is a bond, SO or SO₂; and Z is C₁₋₄ alkyl group (wherein the C₁₋₄ alkyl

group may be arbitrarily substituted with 1 to 5 halogen atoms. In other words, amended claim 1 limits the Z moiety (being the terminal moiety of the substituent on the benzopyran ring) to be a C₁₋₄ alkyl group that may be optionally substituted with 1 to 5 halogen atoms.

Tanikawa describes chroman derivatives of formula (I), wherein W (being the terminal moiety of the substituent on the benzopyran ring) is limited to a phenyl group. See Tanikawa, the abstract. Furthermore, Tanikawa lists specific examples of these phenyl groups for the W terminal moiety at col. 3, lines 30-55 and col. 12, lines 35-42.

Because Tanikawa merely describes a compound having a phenyl terminal moiety on the benzopyran ring, Tanikawa does not describe or render obvious claim 1. For this same reason, Tanikawa also would not have provided one of ordinary skill in the art with any reason or rationale to have derived the benzopyran compound of formula (1) recited in claim 1, with a reasonable expectation of success.

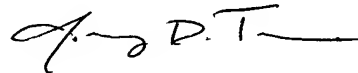
Withdrawal of the rejection is requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-43 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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